

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JONATHAN OTTO,  
Plaintiff,  
- against -  
HEARST COMMUNICATIONS, INC.  
Defendant.

Case No. 17-cv-4712 (GHW)

**STIPULATION REGARDING  
NONJURY TRIAL PURSUANT  
TO FED. R. CIV. P. 39(a)(1)**

**WHEREAS** Plaintiff Jonathan Otto (“Plaintiff”) initiated the above-captioned action by filing a complaint against Defendant Hearst Communications, Inc. (“Defendant”) on July 24, 2017 alleging one count of copyright infringement (the “Complaint”);

**WHEREAS**, in his Complaint, Plaintiff demanded a jury trial on all issues so triable, including the issue of damages in this copyright infringement action;

**WHEREAS**, the Court, having granted summary judgment to Plaintiff on the issue of liability, has scheduled a jury trial on the remaining issue of damages for July 15, 2019 [See ECF No. 91];

**WHEREAS**, Plaintiff and Defendant now desire a bench trial instead of a jury trial on the issue of damages;

*[continued on next page]*

**IT IS HEREBY STIPULATED AND AGREED**, by and through the undersigned counsel and pursuant to Fed. R. Civ. P. 39(a)(1), that both Plaintiff and Defendant waive their right to a jury trial on the issue of damages. The parties respectfully request that the Court vacate the jury trial scheduled for July 15, 2019 and schedule a nonjury trial to commence on that date instead.

DATED: March 20, 2019

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*Attorneys for Plaintiff Jonathan Otto*

DATED: March 20, 2019

HEARST COMMUNICATIONS, INC.

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*Attorneys for Defendant Hearst  
Communications, Inc.*

**IT IS SO ORDERED:**

Dated: New York, New York  
\_\_\_\_\_, 2019

HON. GREGORY H. WOODS, U.S.D.J.